

TOWN OF CHATHAM
488 STATE ROUTE 295
CHATHAM, NY 12037

TOWN BOARD MEETING
September 19, 2019 6:00 PM

PRESENT: Supervisor Maria Lull, Councilman Bob Balcom, Councilman John Wapner. Councilman Kevin Weldon, Councilman Richardson and Town Clerk Beth Anne Rippel

A photo was taken of the Town Board, NYS Police representatives, Town Planning and Zoning Board chairs Gabriella Sperry, Dan Persing and Town Attorney Sal Ferlazzo.

CALL TO ORDER: Supervisor Lull called the meeting to order at 6PM and led the pledge to the flag.

Lull changed the agenda a bit by bringing up some Old Business and that is the land donation to the NYS Police. She spoke about the work done by the Town Board, Planning Board and the Zoning Board of Appeals over the last two years considering the donation of three acres of Town owned land to the NYS Police. Lull believes that this will be a marvelous opportunity for the Town, Village as well as schools to have additional protection once the station is installed. We are honored to have Captain Lietardo and Amanda Cox, attorney for NYS Police with us tonight. Minutes ago we took a photo of Lull signing the documents transferring the land. Lull handed thing over to Captain Lietardo who thanked the Town Board, Zoning and Planning Boards. It's been a long process. It will be some time before we see the station up. From the State Police, thank you very much for the donation and for the support. Lull stated that the barracks should be completed in 2021 and will house 25-30 NYS Police officers. Lietardo said we'll see construction around 2021 and final in about 2022. It's a long process but we'll get there. Lull said that we're anxious to have them.

Resolution 168-2019 to approve the closing for the transfer of land to the NYS Police.

WHEREAS, the Town of Chatham (hereinafter the "Town") is the owner of the certain real property located in the Town of Chatham, located on Route 295; and WHEREAS, the town entered into a donation agreement for an approximate 3 acre parcel (the Premises) with the State of New York to build and staff a Station for the New York State Police in the Town of Chatham on said Premises near Town Hall; and WHEREAS, all conditions for said transfer, including subdivision approval, have been met, NOW, therefore, it is hereby RESOLVED the Supervisor is authorized to execute the Deed for the Premises, an Affidavit of Title, Tax and Finance Form TP-584, Columbia County Supplement Return and RP-5217 and any other documents required to effectuate the transfer to the State of New York Division of State Police for donation the Premises and it is further RESOLVED that the documents may be filed upon payment to the Town of all expenses incurred by the Town related to this transfer. Offered by Councilman Weldon, second by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Richardson, Wapner, Weldon NAY: None Resolution adopted

Lull signed the deed and transfer forms, RP 5217. Lull Dan Persing and Gabriella Sperry were recognized for making this all happen.

PUBLIC COMMENT STATEMENT

The Chatham Town Board appreciates information received from the public during the Public Comment portion of each meeting, which often is very helpful in the governance of the Town. It is, however, not intended to be a debate with the public or a question and answer period. Issues raised during the public comment may be addressed by the Board during its regular meeting or by the Supervisor between meetings as necessary. As a courtesy to the other members of the public, there is a 5 minute per person limitation on oral comments for each public comment period. The public is also encouraged to provide the Board with written comments or materials when the subject matter cannot be presented in this time frame. Of course, while the Board discourages any remarks which may be considered defamatory or stigmatizing, it will not restrict the content of the public comment.

PUBLIC COMMENT

Ted Miner spoke of how he didn't make the communications meeting because town meetings are not posted on the Town website. Zoning updates are missing. Miner asked the Town Board to consider and he supports hiring a professional web master. Miner is sure the volunteer is highly qualified but you can't hold someone hostage when they're volunteering.

Russell Miller from Kinderhook Lake works in NYC frequently and according to NYS tax department his home here is not a domicile. And because his home here isn't a domicile he doesn't have the same rights as other taxpayers under the new zoning law in particular with respect to Air B&B. He doesn't understand that because he doesn't spend 4, 3, 2 nights a week up here he doesn't have the same right to earn back his taxes. We're no longer looking at dairy farms we're looking at a lot more folks who have two homes, one here and one in the city. We'd like to move up here full time but for other reasons we're not able to. It would behoove the Town to recognize that part of the population. Richardson asked Mr. Miller if he could call him at his NYC number so that they can further discuss his concerns.

Abi Mesick spoke about the Comprehensive Plan Review Committee. Mesick said it's all backwards and the very end of a possible tenure we don't make sweeping changes. The Comp. Plan should have been updated first. We don't know what the outcome of the election will be and we might be working together.

Van Calhoun said it's frugal to appoint the Comprehensive Plan Review Committee. Had we not been held up by the STR problem and others we would have finished what we created. Set the small thing aside and what process needs to be done.

CORRESPONDENCE

- Chatham Area Farm Tour Saturday, September 28, 2019 10 AM- 4PM – information available at www.ChathamKeepFarming.org
- A letter from Kevin Egan with Charter Communications on price increases.

- Golden Gathering for Seniors and Families on October 5 at Columbia Greene Community College from 9:30 AM to 12:30 PM

SUB-COMMITTEE REPORTS

Park & Recreation Committee Wapner met at Crellin Park with Ted Callenkowski, Landscape Architect and handed document to Barton & Loguidice to finalize. Wapner said by October the Committee will have a tentative park plan and how to finance it. Weldon said Side Show Willie will perform at the 2020 Park Day. Weldon also said Children's Garden is in much better shape than last year. Committee wants to build on it more.

Citizens Finance and Planning Committee Richardson has recommendations for tentative budget, then it goes to Town Clerk, Beth Anne Rippel Sept 30th and then presented to the to Town Board October 3.

Climate Smart Community Committee Weldon reported nothing new. The committee will be a meeting at highway with a NYSEDA representative to give final inspection, and then the committee should receive grant money.

Economic Stabilization Committee On September 9th Richardson reviewed affordable housing opportunities on Route 295. Lull stated that Mayor Howe is anxious to work with the board on water district. Richardson said that there's funding from CC Economic Development. We should have a report on October from Laberge.

Communications Committee Weldon stated there is protocol for posting to websites. This week is running more smoothly. Lull said Ortiz will set up appointments with MIS.

REPORTS

- Highway Department –on file
- Assessor
- Code Enforcement/Building Inspector
- Dog Control
- Environmental Management Council
- Finance Department Report
- Justice Court
- Office of the Aging Advisory Board
- Recreation Director
- Supervisor's Report
- Town Accounting firm – Monthly Financial Report & Abstract
- Town Attorney
- Town Clerk

NEW BUSINESS

Richardson stated a meeting Schedule for the 2020 Budget Calendar will be on October 3, 10th and 17th to go thru revenue lines and then expenses. Richardson said it will be a reality based budget. Public Hearing will be on November 11, 2019. We have a resolution to approve the budget calendar.

Lull said the Town Hall landscaping will be on hold till spring because the first bid was too expensive. Lull sent out request for proposal.

OLD BUSINESS

- New York State Police Station land closing.
- Discuss updates and changes to Proposed Local Law 2 of 2019.

Balcom began with updates and changes to the zoning code Wapner worked very hard on the remaining questions which were not direct code questions. And Nan helped him, Balcom got in on the end. Now that is completed and he sent it off for everyone to take a look at it. If everyone's OK with it let's have the web administrator post it. After that review Nan came back with 10 other items.

#67 has to do with farm rentals on a parcel or contiguous parcels and it is a lot more complicated than it looks. Lyons spoke to Balcom and Nan and questions arose, what's a farm and also equal situations being handled similarly. His advice is that this is not a NO but gets going with the STR as it is and work on this in the next round. They anticipate it taking a lot more work and Lyons suggested postponing this. Balcom stated this was going to take a lot of work and it will have impact on other areas. Wapner is cautious about this. Richardson explained farm and farm operation..... question is whether or not you want to have more than one farm rentals on contiguous parcels. Let's say the farm operation had 3 parcels you could only have 2 rentals. Wapner doesn't feel they should put this off. He wants to do this as some type of resolution or policy. The other component is equal protection which is what Lyons is trying to say as per Lull. Not sure at this point how to handle this. Lull thinks said that they should take the advice of their council. Ferlazzo said that Lyons could create language similar to what's there with equal protection. The concern is treating everyone equally. You can't just give it to farmers because you like them. You have to be constitutionally consistent. The Board doesn't have to postpone it for a year, study it and have it be an amendment within a month. Ferlazzo thinks Lyons point is that it needs more research and that you don't want to extend exemptions to any one particular entity (unless there's a valid reason) You can't create a policy which is inconsistent with statute.

Pg. 14-80 STR 180-58(2)

Propose number of days a person can rent out their home on a short term basis. Right now it's at 30 days. Balcom proposes 44. Weldon said that they've set up the domicile standards and it will help the weekenders quite a bit and it will keep us out of the area where it will make it of interest to investors. Richardson said that this is a balance to try to help that weekender or the person trying to buy a house and who doesn't want to have a long term renter in there. This will give them some income and discourage the investor. Richardson's math shows 60 days is still a safe number and he believes in compromise. Renting out for any 31 day period is fine. All agreed to change the number to 44 days.

Pg. 14 #82 180-27 EPOD This question went to Nan and she's trying to put in some flexibility where there wasn't any before. Balcom reminded everyone that EPOD was done by ZIC and he considered it to be the best component that they did out of all the work they did. But there restrictions that are tough. Nan went through and gives advice on each one. (E) there's a 25 foot maximum height restriction the rest of the town is 35 feet. Nan suggests making it all 35 feet. Consider using "shall" only for major subdivisions. That does reduce some of the real confining language. Leave it up to the Boards. Ask Nan for language to allow the PB to review this land clearing on a case by case basis. They're concerned about the open landscape view. Make it case specific for PB review.

Pg. 15 83 180-26 EPOD-1

#84 180-52

#86 definitions, don't worry about the parking.

Discussion continued through question 90. This will go to Lyons and Nan for their review.

RESOLUTIONS

Resolution 160-2019 to approve the Budget Appropriation Increase WHEREAS, the Consolidated Highway Improvement Program (CHIPS) is budgeted for \$219,000.00 in the 2019 Town Budget (DB5112.489), and WHEREAS, the 2019-2020 New York State Budget included extra funding for the Town of Chatham in the sum of \$92,344.01 for the "CHIPS", "PAVE,NY" and the "Extreme Winter Recovery" Funding, and THEREFORE, BE IT RESOLVED, the Chatham Town Board authorizes the increase to the CHIPS (DB5112.489) budget appropriation by \$92,344.01 for Highway improvement, changing the total budget for (DB5112.489) to \$311,344.01. Offered by Councilman Weldon , seconded by Councilman Balcom.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 162-2019 to authorize use of the jointly owned municipal parking lot property in the Village of Chatham for Oktoberfest. WHEREAS, the Town of Chatham and the Village of Chatham own the municipal parking lot off Main Street in the Village of Chatham, and, the Chatham Area Business Alliance has made a request to block off a portion of the municipal parking lot property on Saturday, October 5, 2019 from 11 AM to 11 PM for Oktoberfest, and WHEREAS, no alcoholic beverages are being served or sold in the Municipal Lot, and THEREFORE BE IT RESOLVED, the Chatham Town Board approves the blocking off of a portion of the municipal parking lot and authorizes the use of the municipal property on October 5, 2019 from 11 AM to 11 PM for Oktoberfest where no alcoholic beverages will be served upon receipt by Chatham Area Business Alliance of proof of insurance provided to the Town of Chatham Town Clerk prior to the event. Offered by Councilman Weldon, seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 163-2019 to accept the financial abstract as presented to pay the Town bills.

Offered by Councilman Balcom, seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 164-2019 to accept the Town Account's financial Supervisor's Report of August 31, 2019.

Offered by Councilman Weldon , seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 165-2019 to approve the minutes of the Town Board Meeting(s) August 8, 12, 15, 2019.

Offered by Councilman Weldon , seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 166-2019 to approve the Agreement by and between the Town of Chatham and the Chatham Reds Baseball Team at Crellin Community Park. WHEREAS the Town of Chatham Town Board wishes to enter into an agreement with the Chatham Reds, a not for profit corporation organized to operate a legacy travel baseball program for young adults ages 7-14 years which seeks to use the baseball field area on a non-exclusive basis, and WHEREAS the agreement term is for one (1) year beginning September 1, 2019 or as soon as the agreement is signed, and NOW THEREFORE BE IT RESOLVED the Town Board approves the terms of the agreement with the Chatham Reds and authorizes the Town Supervisor to sign the agreement as of September 19, 2019, the approval date of this resolution. Offered by Councilman Wapner, seconded by Councilman Weldon.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 167-2019 to approve the Settlement Agreement and between the Town of Chatham and the Teamsters Local 294. WHEREAS the Town of Chatham Town Board entered into a Settlement Agreement for modifications to the Collective Bargaining Agreement with the Teamsters Local 294, and WHEREAS the modifications pertained to the Medical Insurance for Retirees, and NOW THEREFORE BE IT RESOLVED, the Town Board approves the terms of the Settlement Agreement with the Teamsters Local 294 and authorizes the Town Union Negotiators Councilmen Bob Balcom and Michael Richardson to sign the agreement as of September 19, 2019, the approval date of this resolution. Offered by Councilman Weldon , seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted
Councilman Richardson will send it.

Resolution 169-2019 to approve the appraisal of town owned land. WHEREAS, the Town of Chatham owns approximate one-hundred acres of land located between State Route 295 and the Taconic Parkway [Tax ID: 56.-1-51.112]; and, WHEREAS, the Town Board finds it necessary to know the value of certain Town assets for the purpose of determining their value for use in preparing financial statements; and, WHEREAS, a land appraisal is an unbiased, objective estimate of the fair market value; and, WHEREAS, the Town has received quotes from three appraisal consultants; NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor enter into a contract for professional services with Concra Appraisal in the amount not to exceed one-thousand dollars for appraisal of the Town-owned land located between State Route 295 and the Taconic Parkway [Tax ID: 56.-1-51.112]. Offered by Councilman Richardson , seconded by Councilman Weldon.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 170-2019 to approve the 2020 Budget Calendar and Meeting Schedule. WHEREAS, the Town Supervisor presented the 2020 Budget Calendar and Meeting Schedule to the Town Board, and NOW THEREFORE BE IT RESOLVED, the Town Board approves the meeting schedule as presented. Offered by Supervisor Lull , seconded by Councilman Richardson.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 171-2019 to appoint a Comprehensive Plan Update Review Committee. WHEREAS, the Town of Chatham Town Board has demonstrated a commitment to comprehensive planning with the latest plan adoption in 2009, and WHEREAS, the Town Board supports the efforts of the community to update the Comprehensive Plan, and WHEREAS, the New York State Town Law regulates the preparation and adoption of comprehensive plans. Section 272-a of that law states that a comprehensive plan is one that will “identify the goals and objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development” of a town, and

WHEREAS, the New York State Town Law authorizes the Town Board under Section 272-a to appoint a special committee directed to prepare a proposed comprehensive plan or amendment thereto, such committee shall, by resolution, recommend such proposed plan or amendment or issues with the zoning law to the town board, and WHEREAS, the Town Board, after due consideration and deliberation, will review a list of potential appointees to serve on the Comprehensive Plan Update Review Committee, and NOW, THEREFORE, be it resolved the Town Board of Town of Chatham does hereby authorize creation of the Chatham Comprehensive Plan Update Review Committee with potential appointees to be named, and RESOLVED, that the Town Board does not delegate any of its statutory authority to this committee, whose role is advisory only; and be it further RESOLVED, that all meetings of the Comprehensive Plan Update Review Committee shall be open to the public and published in the Town’s website, consistent with the NY State Open Meetings Law. Offered by Councilman Balcom , seconded by Councilman Weldon.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Richardson asked what the process was. Lull said people should submit names.

Resolution 172-2019 to appoint members to the Park & Recreation Committee. WHEREAS, the Town Board established a Park & Recreation Committee, and WHEREAS, the Town Board wishes to appointment Judi Matthews and Beth Hover to the Park & Recreation Committee, THEREFORE, BE IT RESOLVED that the Town Board appoints Judi Matthews and Beth Hover to the Town of Chatham Park & Recreation Committee effective immediately. Offered by Councilman Weldon , seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Resolution 173-2019 request to revise 284 Agreement due to increase of CHIPS funding.

WHEREAS, the Chatham Town Board and the Superintendent of Highways are required by Highway Law § 284 to enter into a written agreement stating the places and manner in which the Highway Fund appropriations for repairs and improvements are to be expended; and WHEREAS, the Chatham Town Board and the Superintendent of Highways entered into such agreement on January 17, 2019, Resolution #55-2019, and then a revised agreement on April 18, 2019, Resolution #103-2019, and WHEREAS, a revision is needed to said 284 Agreement due to an increase of CHIPS funding of \$92,344.01, and THEREFORE, BE IT RESOLVED, that the Chatham Town Board hereby approves the revised 284 Agreement, submitted by the Highway Superintendent, to spend Town Highway Funds in 2019. Offered by Councilman Balcom , seconded by Councilman Wapner.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted.

Resolution 174-2019 WHEREAS, the Chatham Town Court is making a Justice Court Assistance Program Grant application for computer support, records management, air conditioning, office equipment, furniture, and other court room enhancements for a maximum amount of \$1900.00 for the purpose of scanning documents which will be done by EBIZ, and WHEREAS, the Justice Court Assistance Program Grant requires the Town Board approval, NOW, THEREFORE, be it RESOLVED, the Chatham Town Board approves the submission of the Justice Court Assistance Program Grant application for a maximum of \$1900.00 for the purpose of scanning documents to be done by EBIZ and authorizes the Town Supervisor, Maria Lull, to sign said application. Offered by Councilman Weldon, seconded by Councilman Richardson.

VOTE

AYE: Lull, Balcom, Wapner, Weldon, Richardson **NAY:** None Resolution adopted

Ted Miner said he was going thru the website and there was no follow up. He suggested changes in real time to the zoning board. Miner suggests one more Q & A. Councilman Balcom and Councilman Richardson agreed to October 8th for one more Q & A.

On a motion by Councilman Balcom, seconded by Councilman Weldon and carried the meeting adjourned at 7:45PM

Respectfully submitted by,

Beth Anne Rippel, Town Clerk